UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOHAMED ABDELAL, Plaintiff, v. COMMISSIONER, RAYMOND W. KELLY; CITY OF NEW YORK, Defendants.	**DECLARATION OF KRISTEN MCINTOSH IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** 13 Civ. 04341 (ALC)

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KRISTEN M. MCINTOSH declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants Raymond W. Kelly and the City of New York (collectively, "Defendants") in the above-captioned action. As such, I am familiar with the facts set forth herein. I submit this Declaration in support of Defendants' motion for summary judgment.

2. Annexed hereto as Exhibit A is a copy of the transcript of Plaintiff's deposition taken on September 15, 2015.

3. Annexed hereto as Exhibit B is a copy of the Internal Affairs Bureau ("IAB") Case Report for Case # C08-0325.[1]

4. Annexed hereto as Exhibit C is a copy of the transcript of the NYPD Departmental Trial testimony of Sergeant Michael Prins taken on January 31, 2012.

[1] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

5. Annexed hereto as Exhibit D is the audio recording of the IAB interview of Sergeant Michael Prins taken on March 30, 2008. A certified transcript of this interview is annexed hereto as Exhibit D-1.[2]

6. Annexed hereto as Exhibit E is the audio recording of the IAB interview of Plaintiff taken on May 20, 2009. A certified transcript of this interview is annexed hereto as Exhibit E-1.[3]

7. Annexed hereto as Exhibit F are excerpts from the NYPD Patrol Guide.

8. Annexed hereto as Exhibit G is a copy of the Charges and Specifications filed against Plaintiff.

9. Annexed hereto as Exhibit H is a copy of the Case Summary for Case Number M07-2083.[4]

10. Annexed hereto as Exhibit I is a copy of the transcript of the NYPD Departmental Trial testimony of Plaintiff taken on April 11, 2012.

11. Annexed hereto as Exhibit J is a copy of the Notification of Placement into Level II- Disciplinary Monitoring dated October 22, 2009 and signed by Plaintiff.

12. Annexed hereto as Exhibit K is a copy of the transcript of the NYPD Departmental Trial testimony of Sergeant Antonio Torres taken on January 31, 2012.

13. Annexed hereto as Exhibit L is a copy of the transcript of the NYPD Departmental Trial proceedings held on November 16, 2010.

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[2] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

[3] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

[4] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

14. Annexed hereto as Exhibit M are excerpts from the transcript of First Deputy Police Commissioner Rafael Pineiro's deposition taken on November 18, 2015.

15. Annexed hereto as Exhibit N is a copy of the Second Endorsement by First Deputy Police Commissioner Rafael Pineiro dated January 25, 2011, marked at his deposition on November 18, 2015 as Exhibit 1.

16. Annexed hereto as Exhibit O are excerpts from the transcript of former Commissioner Raymond Kelly's deposition taken on December 17, 2015.

17. Annexed hereto as Exhibit P is a copy of the Pre-Trial Negotiation Case Summary endorsed by former Commissioner Raymond Kelly, marked at his deposition on December 17, 2015 as Exhibit 1.

18. Annexed hereto as Exhibit Q is a copy of the Report and Recommendation of Deputy Commissioner of Trials Martin G. Karopkin dated May 23, 2012.

19. Annexed hereto as Exhibit R are excerpts from the transcript of the NYPD Departmental Trial proceedings held on July 13, 2011.

20. Annexed hereto as Exhibit S is a copy of the Post-Trial Case Summary endorsed by former Commissioner Raymond Kelly, marked at his deposition on December 17, 2015 as Exhibit 3.

21. Annexed hereto as Exhibit T is a copy of a memorandum from former Commissioner Raymond Kelly dated January 18, 2013, marked at his deposition on December 17, 2015 as Exhibit 4.

22. Annexed hereto as Exhibit U is a copy of Plaintiff's termination letter dated January 29, 2013.

23. Annexed hereto as Exhibit V is a copy of the demographic analysis for the individuals with disciplinary cases in 2011 where former Commissioner Kelly disapproved of the recommended penalty.[5]

24. Annexed hereto as Exhibit W is a copy of a memorandum from former Commissioner Raymond Kelly dated March 3, 2011 concerning Police Officer Fahad C. [6]

25. Annexed hereto as Exhibit X is a copy of Plaintiff's Article 78 Petition filed on May 9, 2013.

26. Annexed hereto as Exhibit Y is a copy of Plaintiff's Amended Petition filed on June 13, 2013.

27. Annexed hereto as Exhibit Z is a copy of the June 16, 2014 Order of the Hon. Shlomo Hagler in Plaintiff's Article 78 proceeding.

28. Annexed hereto as Exhibit AA is a copy of Plaintiff's brief to the Appellate Division, First Department.

Dated: New York, New York
July 6, 2016

By: /s/ *Kristen McIntosh*
Kristen M. McIntosh
Assistant Corporation Counsel

[5] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

[6] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.